

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Pandit, et al.

Serial No.: 10/695,571

Filed: October 28, 2003

Confirmation No.: 9180

Group Art Unit: 2622

Examiner: Hernandez, Nelson D

Docket No. 200210160-1

For: ROTATABLE CAMERA DOCKING STATION SYSTEMS AND METHODS

REPLY BRIEF UNDER 37 C.F.R 41.41

Mail Stop Appeal Brief-Patents
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is a Reply Brief in response to the Examiner's Answer dated March 24, 2008.

I. STATUS OF THE CLAIMS

Claims 1-20 remain pending in the present application. The Examiner's Answer maintains the rejections of the claims and generally repeats the arguments advanced during prosecution of this application along with providing comments to the Appeal Brief (in the Response to Argument Section, pages 10-13 of the Examiner's Answer), filed on March 24, 2008. With regard to the substantive remarks of the Examiner's Answer, Appellants disagree. Appellants will address some issues raised in the Examiner's Answer as applicable to the independent claims under appeal. Appellants continue to repeat, re-allege, and incorporate by reference the positions and arguments set forth in the Appeal Brief.

II. ARGUMENTS

On pages 11-12 of the Examiner's Answer, the following is alleged (no emphasis added):

The Examiner understands that Takahashi discloses that said platform is configured to couple to the base by having said coupling portion (702) between the leg portion (base) and the camera mounting unit (platform). Also, in the Advisory Action mailed on 9/28/2007, the Examiner supported his interpretation with the definition of the word coupling from *The American Heritage College Dictionary* (Fourth Edition, 2002) which defines the word "**coupling**" as a device that link or connect; and also defined the word "**couple**" as 1) a link; 2) *Something that joins or connect two things together*. This definition was used to reach the conclusion that by having said coupling portion between the base and the platform, Takahashi discloses that the platform is configured to dock with the camera and is also configured to couple to the base by using said coupling portion as defined in the Advisory Action.

Appellant further argues that the term "couple" as defined by the Examiner in the Advisory Action mailed on 9/28/2007 appears to refer to a noun and the term "couple" in claim 1 is a verb, and argues that the attempt to equate the terms from the *American Heritage College Dictionary* with the claim language is based on a faulty grammatical premise, and hence in error.

The Examiner points out that as discussed in the Advisory Action, the term couple is defined with the purpose of illustrating the function of the coupling portion 702 in order to indicate that in Takahashi, by using the coupling portion the camera mounting unit (platform) is configured to couple to the leg (base). The fact that the definition of the term couple in the Advisory Action refers to a noun and not a verb is irrelevant since said

definition clearly states the function of said noun (*Something that joins or connects two things together*). The Examiner points out that the claim as presented reads on the Takahashi reference since the claim is not clear on how the platform is configured to couple. Therefore, the Examiner understands that the Takahashi reference reads on all the limitations as presented in claim 1 as interpreted by the Examiner.

Appellants respectfully disagree. In short, the Examiner appears to allege that the claim is “not clear on how the platform is configured to couple,” and hence resorts to extrinsic evidence to ascertain the meaning of terms that are not present in the claim to resolve the alleged unclarity. Appellants respectfully submit that this approach at claim analysis is in error. Appellants recognize that the Examiner is allowed to interpret the claims as broadly as the terms reasonably allow, but this interpretation must be consistent with the specification (MPEP 2111.01). The Advisory Action (page 4) states that the “Examiner notes that the structure of the platform and the base configuration as discussed in the Specifications and Drawings in the Applications appear to teach a different way to couple said platform to the base.” In other words, the Examiner has admitted in the record that Appellants’ specification describes a manner of coupling to the base that is different than (i.e., not consistent with) the art of record, yet unreasonably insists that one skilled in the art would arrive at the interpretation of the claim language that the Examiner has set forth.

Continuing, the Advisory Action alleges (page 4) that, despite the differences in the manner of coupling identified between Appellants’ specification and the art of record, “the claim as written does not offer a description that differs from the Takahashi teaching.” However, as noted by Appellants in the Appeal Brief (e.g., pages 6-7), to support the Examiner’s position of alleged similarities between the art of record and the claim language at issue, the Examiner embarks on an interpretation that is based on a faulty grammatical premise. In other words, the Examiner provides extrinsic evidence (a definition) of the “coupling portion (702)” from Takahashi, whereas the language at issue is “***coupled to.***” In other words, it appears that the Examiner is using extrinsic evidence to elucidate the

meaning of language in the reference, whereas the purpose of claim construction is to construe the meaning of the claim terms. In addition, Appellants' specification reveals two items, a platform 104 and a base 106, that are ***coupled to*** one another, NOT an architecture of three items that are allegedly operable via some type of intermediary or "coupling portion." Hence, to allege that the fact that the Advisory Action "refers to a noun and not a verb is irrelevant" (emphasis added) reveals an interpretation that takes an "eye off the ball" and provides the focus on the reference instead of the meaning of the claim language. Accordingly, the interpretation proffered by the Examiner is inconsistent with Appellants' specification of the phrase "***coupled to***" and not one that one having ordinary skill in the art would reach, and hence Appellants respectfully request that the rejection be overruled.

CONCLUSION

Based upon the foregoing discussion, the Appellants respectfully request that the Examiner's final rejection of claims 1-20 be overruled and withdrawn by the Board, and that the application be allowed to issue as a patent with all pending claims.

No additional fee is believed to be due. However, any additional fee that may be due or required is authorized to be charged to deposit account no. 20-0778.

Respectfully submitted,

Respectfully submitted,

/dr/

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